

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LOREN F. GRAVES,

Plaintiff(s),

vs.

CAROLYN W. COLVIN,

Defendant(s).

Case No. 2:15-cv-00106-RFB-NJK

**ORDER**

Plaintiff is proceeding in this action *pro se*, has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. On January 26, 2015, the Court granted Plaintiff's request to proceed *in forma pauperis*, but dismissed the complaint with leave to amend per Section 1915(e). Docket No.2. Plaintiff has now filed an amended complaint in an attempt to cure the deficiencies identified in that order. Docket No. 4. This proceeding was referred to the undersigned by Local Rule IB 1-9.

**I. Screening the Amended Complaint**

Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to § 1915(e). As noted in its previous order, courts in this District have outlined some of the basic requirements for complaints to satisfy the Court's screening in social security appeals:

First, the plaintiff must establish that she has exhausted her administrative remedies pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within sixty days after notice of a final decision. Second, the complaint must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when the plaintiff claims she became disabled. Fourth, the complaint must contain a plain, short, and concise statement identifying the nature of the

1 plaintiff's disagreement with the determination made by the Social Security  
2 Administration and show that the plaintiff is entitled to relief.

3 Docket No. 2.

4 Plaintiff's Amended Complaint seeks judicial review of the Commissioner's decision denying  
5 Plaintiff Supplemental Security Disability benefits and requests the court reverse that decision, or  
6 alternatively, remand this matter for a new hearing. Plaintiff alleges that she is appealing a final  
7 administrative action in that the Appeals Council denied review on November 17, 2014. Plaintiff  
8 alleges that she resides in this District. Plaintiff alleges that she is disabled as a result of several  
9 identified medical impairments, and that she became disabled on February 1, 2008. Plaintiff also  
10 alleges that the final agency decision was erroneous in that it improperly weighed opinion evidence in  
11 this case, improperly evaluated credibility, and failed to support the finding of non-disability with  
12 substantial evidence. Accordingly, Plaintiff has stated a claim for initial screening purposes under 28  
13 U.S.C. § 1915.

14 Based on the foregoing,

15 **IT IS ORDERED** that:

- 16 1. The Clerk of the Court shall serve the Commissioner of the Social Security  
17 Administration by sending a copy of the summons and Amended Complaint by certified  
18 mail to: (1) Office of Regional Chief Counsel, Region IX, Social Security  
19 Administration, 160 Spear St., Suite 899, San Francisco, California 94105-1545; and (2)  
20 the Attorney General of the United States, Department of Justice, 950 Pennsylvania  
21 Avenue, N.W., Room 4400, Washington, D.C. 20530.
- 22 2. The Clerk of Court shall issue summons to the United States Attorney for the District of  
23 Nevada and deliver the summons and Complaint to the U.S. Marshal for service.
- 24 3. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been  
25 entered by counsel, upon the attorney, a copy of every pleading, motion or other  
26 document submitted for consideration by the court. Plaintiff shall include with the  
27 original paper submitted for filing a certificate stating the date that a true and correct  
28 copy of the document was personally served or sent by mail to the defendants or counsel

1 for the defendants. The court may disregard any paper received by a district judge or  
2 magistrate judge which has not been filed with the Clerk, and any paper received by a  
3 district judge, magistrate judge or the Clerk which fails to include a certificate of service.

4 Dated: February 2, 2015

5  
6  
7   
8 NANCY J. KOPPE  
9 UNITED STATES MAGISTRATE JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28